

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

IGNACIO COBOS,

Plaintiff,

vs.

BENTON COUNTY JAIL, C/O
WIDENER, C/O HORTON, OFFICER
RUNGE, and OFFICER PETERS,

Defendants.

NO. CV-06-5008-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
COMPLAINT

1915 (g)

Magistrate Judge Imbrogno filed a Report and Recommendation on August 22, 2006, recommending Mr. Cobos' civil rights complaint, consisting of only the first two pages of a complaint form, be dismissed without prejudice for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1), and that such dismissal count as one of the dismissals under 28 U.S.C. § 1915(g). There being no objections, the Court **ADOPTS** the Report and Recommendation. The Complaint is **DISMISSED WITHOUT PREJUDICE**.

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* "unless the

1 prisoner is under imminent danger of serious physical injury." 28
2 U.S.C. § 1915(g). Plaintiff is advised to read the new statutory
3 provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's
4 complaint may count as one of the three dismissals allowed by 28 U.S.C.
5 § 1915(g) and may adversely affect his ability to file future claims.

6 **IT IS SO ORDERED.** The District Court Executive is directed to
7 enter this Order, forward a copy to Plaintiff at his last known address,
8 enter judgment, and close the file. The District Court Executive is
9 further directed to forward a copy of this Order to the Office of the
10 Attorney General of Washington, Criminal Justice Division.

11 **DATED** this 26th day of September 2006.

12
13 S/ Edward F. Shea

14 EDWARD F. SHEA
15 UNITED STATES DISTRICT JUDGE

16 Q:\Civil\2006\6cv5008ci-9-25-dis.wpd
17
18
19
20
21
22
23
24
25
26
27